

# Wetlands Bureau Decision Report

Decisions Taken  
07/31/2006 to 08/06/2006

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### **2006-00238                      ATTITASH MOUNTAIN SERVICE CO BARTLETT   Unnamed Wetland Razor Brook**

#### Requested Action:

Dredge and fill 20,860 square feet within palustrine forested wetlands to construct an access road that will serve a 40-lot residential subdivision. Mitigate impacts by executing a conservation easement on 51.9 acres of undeveloped land along Razor Brook.

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#### APPROVE PERMIT:

Dredge and fill 20,860 square feet within palustrine forested wetlands to construct an access road that will serve a 40-lot residential subdivision. Mitigate impacts by executing a conservation easement on 51.9 acres of undeveloped land along Razor Brook.

#### With Conditions:

1. All work shall be in accordance with revised plans by White Mountain Survey Company, Inc. dated July 20, 2006, as received by the Department on July 25, 2006
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within this phase of the development known as Parker Ridge Road (lots A23 through A63).
3. The deed which accompanies the sales transaction for each of the lots within this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Future phases of development within the Stillings' Grant parcel (map 5STLNG, lot A00000) that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and further permitting by the Wetlands Bureau and the Land Resources Management Program.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Work shall be done during low flow conditions.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

#### MITIGATION CONDITIONS:

19. This permit is contingent upon the execution of a conservation easement on 51.9 acres of undeveloped land as depicted on

plans received July 25, 2006.

20. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

21. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

22. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

23. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

24. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a Major Project per NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

4. This project was previously approved by the Wetland Bureau on October 29, 1991 (permit #1989-0664) to fill 58,650 square feet of wetlands to construct roads and driveways for a 262-lot subdivision on 509 acres.

5. DES Staff conducted multiple field inspections in the last decade because of past excavation activities that were done without appropriate permits. Restoration was required and completed in 2000 and 2001 to stabilize a portion of this property.

6. The applicant has proposed to mitigate impacts by executing a conservation easement on 51.9 acres of undeveloped land along Razor Brook; therefore compensatory mitigation ratios under chapter 800 have been met.

7. The applicant has submitted a master plan for potential future phases of development in accordance with Env-Wt 304.09.

8. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Env-Wt 101.87.

**2006-00560 MORRISON, DIANE**  
**ALTON Lake Winnepesaukee**

Requested Action:

Construct a 6 ft x 30 ft piling pier to the northwest of an existing 46 ft breakwater with a 4 ft x 50 cantilevered pier on an average of 210 ft of frontage on Barndoor Island, Lake Winnepesaukee.

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DENY PERMIT:

Construct a 6 ft x 30 ft piling pier to the northwest of an existing 46 ft breakwater with a 4 ft x 50 cantilevered pier on an average of 210 ft of frontage on Barndoor Island, Lake Winnepesaukee.

With Findings:

Standards for Approval:

1. In accordance with RSA 483-B:6, I, (b), Prior Approval; Permits, any person intending to "[c]onstruct a water dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A."

2. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in and adjacent to any waters of the state without a permit from the department."

3. In accordance with Administrative Rule Env-Wt 302.03 (a)(1)&(2) the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that the potential impacts have been avoided to the maximum extent practicable, and any unavoidable impacts have been minimized.

4. In accordance with RSA 483-B:6, II, Prior Approval; Permits, "[i]n applying for these approvals and permits, such persons shall

demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter."  
5. In accordance with RSA 483-B:3, Consistency Required, "[a]ll state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."

Findings of Fact:

6. On March 16, 2006 the Wetlands Bureau received an application to construct a permanent piling supported 6 ft x 30 pier 25 ft northwest of an existing docking facility on 210 ft of frontage in Alton on Lake Winnepesaukee.
7. The docking facilities would be connected by a 4 ft x 25 ft walkway over the bank.
8. A 3 ft 8 in x 39 ft walkway currently extends to the south from the existing docking facility.
9. June 5, 2006 the Department sent a Request for More Information requesting the applicant to relocate the dock to a less environmentally impacting area to the south of the existing breakwater.
10. On July 31, the Wetlands Bureau received a response contesting the request to move the dock to the less environmentally impacting area.

Ruling in Support of the Decision:

11. A permit is required for the construction of this structure per RSA 482-A. In accordance with RSA 483-B:3 the permit shall be issued only if the project complies with the intent and policies of RSA 483-B.
12. The request to impact an additional 25 ft of shoreline to construct another dock does not comply with Administrative Rule Env-Wt 302.03(a)(1)&(2) nor RSA 483-B:3 as it is not the least impacting alternative and will unnecessarily disturb the natural woodland buffer within 20 ft of the normal high water mark.
13. The issuance of a permit for this project as proposed would not be consistent with the goals of the minimum standards listed in RSA 483-B:2, and therefore is prohibited per RSA 483-B:3.

**MINOR IMPACT PROJECT**

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**2005-00554                      LANDRY, RICHARD & DENISE**  
**LACONIA   Lake Winnisquam**

Requested Action:

Amend permit to add a 9 ft6 in by 27 ft seasonal canopy to the seasonal boatlift.

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Conservation Commission/Staff Comments:

No Com Com comments by 6/8/05

Inspection Date: 10/24/2005 by Chris T Brison

APPROVE AMENDMENT:

Amend permit to read: Remove two existing 4 ft x 20 ft cantilevered piers and install seasonal boatlift with a 9 ft 6 in by 27 ft seasonal canopy and a 6 ft x 63 ft seasonal pier attached to an existing 20 ft long retaining wall on an average of 132 ft of frontage on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Watermark Navigation dated March 7, 2005, as received by the Department on March 25, 2005 and canopy plans dated April 12, 2006, revision date August 01, 2006, as received by the Department on August 01, 2006.
2. The existing cantilevered piers shall be completely removed and placed outside of the jurisdiction of the DES Wetlands Bureau

prior to the installation of any new structures.

3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. These shall be the only structures on this water frontage and all portions of the dock and boatlift be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The canopy shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
6. Seasonal structures shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 63 ft from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This project is classified as a minor project per Rule Wt 303.03(d), modification of a permanent pier.
2. The existing 12 ft x 20 ft deck is landward of the top of bank and is not within the jurisdiction established under RSA 482-A, therefore Rule Wt 402.20, Modification of Existing Structures is not applicable.
3. The applicant has an average of 132 ft of frontage on Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. This docking facility will provide 2 slips as defined per RSA 482-A:2 and therefore meets Rule Wt 402.12.

**2005-01013                      SOUTHERN SPECTRUM LLC  
NEW DURHAM    Hayes Brook**

**Requested Action:**

Approve amendment to decrease the span at crossing #9 and dredge and fill 8282 square feet in jurisdiction including installation of four culverts and two bridges for access to a proposed forestry project.

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**APPROVE AMENDMENT:**

Dredge and fill 8282 square feet in jurisdiction including installation of four culverts and two bridges for access to a proposed forestry project.

**With Conditions:**

1. All work shall be in accordance with plan sheet 1 of 3, and 3 of 3, by Beckworth Builders Inc dated April 15, 2005, and revised through November 10, 2005, as received by the Department on November 14, 2005 and plan sheet 2 of 3 by Beckworth Builders Inc dated April 15, 2005, and revised through March 2, 2006, as received by the Department on March 27, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during periods of non-flow.
4. Work shall be conducted during low water conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Unconfined work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

11. Cofferdams shall not be installed during periods of high flow. High flows can be due to seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until water flow is controlled. Once cofferdams are fully effective confined work can proceed without restriction.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Silt fencing must be removed once the area is stabilized.

With Findings:

The Department reaffirms findings 1-4 of the original approval and makes the following additional finding:

5. The applicant has provided information illustrating that the proposed bridge span will conduct flows for a 25-year storm event.

**2006-00014                      BUCKLEY-SMITH, JEAN**  
**HENNIKER   Unnamed Wetland**

Requested Action:

Dredge and fill 6,790 square feet of riverine and palustrine emergent wetlands (wet meadow) to install a 60-inch x 46-inch x 30-foot arch culvert and associated headwalls and inlet and outlet protection impacting 114 linear feet in the banks and bed of a perennial stream channel and a 30-inch x 30-foot culvert and associated headwalls and inlet and outlet protection impacting 38 linear feet of intermittent stream channel to construct a common driveway for access to a 2-lot residential subdivision on an approximately 24 acre parcel.

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APPROVE PERMIT:

Dredge and fill 6,790 square feet of riverine and palustrine emergent wetlands (wet meadow) to install a 60-inch x 46-inch x 30-foot arch culvert and associated headwalls and inlet and outlet protection impacting 114 linear feet in the banks and bed of a perennial stream channel and a 30-inch x 30-foot culvert and associated headwalls and inlet and outlet protection impacting 38 linear feet of intermittent stream channel to construct a common driveway for access to a 2-lot residential subdivision on an approximately 24 acre parcel.

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano, Jr. dated May 2006 (revised), as received by the DES Wetlands Bureau on May 9, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during low flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The culvert installed in the perennial stream shall be embedded and native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural stream channel bottom within the culvert. Any nonnative materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
12. Temporary structures used to divert streamflow through the work area(s) shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the construction of a common driveway for access to a 2-lot residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03. The subdivision was configured to minimize wetlands impacts by constructing a common driveway and crossing the wetlands at the narrowest point.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The subject property is bounded on the north by U.S. Route 202/9 which is a limited access road. The only access to uplands on the subject property from The Oaks Road is through wetlands.
6. The owner of Tax Map 2 Lot 398-E submitted comments to the DES Wetlands Bureau (received January 3, 2006) expressing concerns that development of the wetlands on the subject property would result in changes in drainage and stated that locating a driveway through the wetlands on the subject property to allow access to buildable uplands would be a better choice.
7. Testimony from the owner of Tax Map 2 Lots 141 and 144 was submitted to the Planning Board and forwarded to the DES Wetlands Bureau (received January 12, 2006) stating that the lot has sufficient area to build on without filling wetlands.
8. The proposed wetlands impacts are associated with the construction of a common driveway to access buildable uplands and not for the creation of buildable land.
9. The applicant requested a waiver, in accordance with Env-Wt 204, to Env-Wt 304.04, Setback from Property Lines, to Tax Map 1 Lot 142.
10. The applicant's agent has stated that compliance with Env-Wt 304.04 would result in greater wetlands impacts.
11. Per Env-Wt 204.04, the request for a waiver of Env-Wt 304.04 is granted with the finding that granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety and strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
12. The proposed impacts occur within one-quarter mile of the Contoocook River, a Designated River protected under RSA 483. The Local Advisory Committee was notified on January 12, 2006 of the project but did not comment within the comment period.
13. The Conservation Commission submitted correspondence to the DES Wetlands Bureau (received January 30, 2006) stating that they have no comments relating to the proposed project.

Requested Action:

Dredge 20 cubic yards from 936 sqft of lakebed and construct a 6 ft by 30 ft piling pier on an average of 112 ft on Bear Island, Lake Winnepesaukee, Meredith.

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Conservation Commission/Staff Comments:

Con Com comments a permanent dock is not needed for island access.  
NH NHI and NH Fish and Game will not be submitting comments.

APPROVE PERMIT:

Dredge 20 cubic yards from 936 sqft of lakebed and construct a 6 ft by 30 ft piling pier on an average of 112 ft on Bear Island, Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental dated June 05, 2006, as received by the Department on June 09, 2006 and dredge volume as submitted July 27, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. The dredge shall not be conducted between June 30 and October 15 to prevent suspended particles from interfering with the abutters water intakes.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. No more than 20 cubic yards of material shall be removed from the waterbody.
8. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
10. Piles shall have a minimum spacing of 12 ft between piles.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on July 25, 2006. Field inspection determined the proposed project is the least impacting alternative to safely access this site.
5. The applicant has an average of 111 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12
8. The Department typically allows permanent docks for island access.
9. The permit has been conditioned to limit the potential for dredging to impact the water intakes ok the abutting properties.

**2006-00933                      KNIGHT, JEFFERY**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing seasonal dock and construct two 6 ft by 30 ft permanent docks supported by four 6 ft by 6 ft

cribs,connected by a 6 ft by 12 ft walkway in a "U" shaped configuration on 400 ft of frontage on Whortleberry Island, Lake Winnepesaukee, Tuftonboro.

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Conservation Commission/Staff Comments:  
Con Com defers to the Wetlands Bureau

NH Fish and Game and NH NHI will not be submitting comments

**APPROVE PERMIT:**

Permanently remove an existing seasonal dock and construct two 6 ft by 30 ft permanent docks supported by four 6 ft by 6 ft cribs,connected by a 6 ft by 12 ft walkway in a "U" shaped configuration on 400 ft of frontage on Whortleberry Island, Lake Winnepesaukee, Tuftonboro.

**With Conditions:**

1. All work shall be in accordance with plans by Dave Farley dated March 27, 2006, revision date May 25, 2006, as received by the Department on July 12, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This permit does not allow for the construction of a perched beach.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Repairs shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. This permit does not allow for maintenance dredging.
9. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
10. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
11. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
12. The minimum clear spacing between cribs shall be 12 feet.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Wt 402.01 for minimum impact docks classified under Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 400 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
8. NH Fish and Game and NH NHI will not be submitting comments.

Requested Action:

Permanently remove two 6 ft by 37 ft permanent docks in a "U" shaped configuration and remove a 10 ft by 8 ft deck on the bank to construct two 6 ft by 60 ft seasonal docks connected by a 6 ft by 12 ft seasonal walkway in a "U" shaped configuration connected to two 6 ft by 4 ft concrete pads, install a seasonal boatlift in the center slip and install two PWC lifts adjacent to the dock on an average of 182 ft of frontage on Lake Winnepesaukee, Meredith.

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Conservation Commission/Staff Comments:

Con Com recommends approval

Inspection Date: 07/25/2006 by Dale R Keirstead

APPROVE PERMIT:

Permanently remove two 6 ft by 37 ft permanent docks in a "U" shaped configuration and remove a 10 ft by 8 ft deck on the bank to construct two 6 ft by 60 ft seasonal docks connected by a 6 ft by 12 ft seasonal walkway in a "U" shaped configuration connected to two 6 ft by 4 ft concrete pads, install a seasonal boatlift in the center slip and install two PWC lifts adjacent to the dock on an average of 182 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated April 05, 2006, revision date July 25, 2006, as received by the Department on July 25, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the docking structures shall extend more than 60 feet from the shoreline as measured at full lake elevation.
8. The seasonal boatlift and seasonal PWC lifts shall be removed from the lake for the non-boating season.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has an average of 182 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the proposed project on July 25, 2006. Field inspection determined the applicant has 3 ft of depth approximately 37 ft from shore and that the proposed dock will not impede navigation within the cove. The application also found an existing mooring field located approximately 50 ft further out in the cove.
9. The proposed seasonal docks will have a lesser impact to the public trust than the existing permanent docks.
10. The abutter has expressed concerns regarding the impact the proposed structure will have of the safety of swimmers and kayakers in the cove.
11. The proposed docking facilities will provide the same number of slips as the existing facilities and will not result in any increase in the level of boat traffic in the cove and therefore will not pose any additional impact to the safety of swimmers and kayakers in the cove.

**2006-01095 MILTON SCHOOL DISTRICT SAU 64**  
**MILTON Tributary To Salmon Falls River**

**Requested Action:**

Retain dredge of a total of 129 linear ft. of intermittent stream channel (approximately 404 sq. ft.) over three locations associated with expansion of Nute High School, including: impact #1 - 78 linear ft. rerouting a scoured drainage channel into a 15" x 84' pipe for parking; impact #2 - 23 linear ft. to install a 12" x 23' culvert for access; impact #3 - 28 linear ft. (28' x 5') to stabilize a swale with stone.

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**APPROVE AFTER THE FACT:**

Retain dredge of a total of 129 linear ft. of intermittent stream channel (approximately 404 sq. ft.) over three locations associated with expansion of Nute High School, including: impact #1 - 78 linear ft. rerouting a scoured drainage channel into a 15" x 84' pipe for parking; impact #2 - 23 linear ft. to install a 12" x 23' culvert for access; impact #3 - 28 linear ft. (28' x 5') to stabilize a swale with stone.

**With Conditions:**

1. All work shall be in accordance with plans by Crown Point Survey and Engineering, Inc. dated 3/3/2006, as received by the Department on 3/8/2006.
2. If the site is not already stabilized, within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear ft. of an intermittent stream channel that does not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01, specifically, the materials submitted support the need for site work associated with the expansion of Nute High School.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The Blandings Turtle was reported as occurring in the greater vicinity of the project on the opposite side of the highway, NH Rt. 125, in an area of more suitable habitat, and is not expected to be impacted by the project. The Milton Conservation Commission did not report on this project.

**MINIMUM IMPACT PROJECT**

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**2002-00770 NH FISH & GAME DEPARTMENT**  
**MILAN Cedar Pond**

**Requested Action:**

Amend permit to add a 4 ft by 4 ft by 12 ft concrete anchor at the landward end of the boatramp and replace the 1 ft by 12 ft concrete planks with 3 ft by 12 ft concrete planks.

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**APPROVE AMENDMENT:**

Amend permit to read: Dredge and fill of 1,904 square feet jurisdictional bank and bed substrate to repair a public boat ramp on Cedar Pond in Milan (damaged by winter ice movement) by replacing the existing 1-foot wide by 12-foot long concrete planks with

larger, re-designed 3-foot wide by 12-foot long concrete planks, including the re-establishment of 70 linear feet and 85 linear feet of two separate stone drainage ditches, along 100 linear feet of frontage.

**With Conditions:**

1. All work shall be in accordance with plans by the New Hampshire Fish and Game Department dated 9/02, as received by the Department on 9/24/02 and amendment request plans and letter dated July 06, 2006, as received July 10, 2006 .
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during draw down or low water conditions.
4. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Cedar Pond.
6. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which re-construction of the ramp will take place.
7. If alterations are needed to repair/realign the ramp approach during to the restoration, it shall be crowned so that drainage is directed away from the slope of the ramp.
8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee.
9. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
10. The boat ramp shall be utilized indefinitely as a public access point to Cedar Pond and shall not change in use.
11. Drainage ditches shall be properly rip-rapped to avoid excessive discharges of sediments into or onto fish spawning areas.
12. This permit does not allow for the replacement of the rip rap or bedding of the ramp.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This project is classified as a minimum impact project per Rule Wt 303.04(v).
2. The project was necessary to restore the safety and availability of this boat ramp on Cedar Pond to full use by the public.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on 4/19/02.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2002-02540                      BERUBE REALTY & DEVELOPMENT  
LITCHFIELD   Unnamed Wetland**

**Requested Action:**

Request amendment to fill approximately 2550 square within a draiange swale and install a 12" x 30' culvert to construct an access road to service a proposed older persons housing complex.

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**APPROVE AMENDMENT:**

Request amendment to fill approximately 2550 square within a draiange swale and install a 12" x 30' culvert to construct an access road to service a proposed older persons housing complex.

**With Conditions:**

1. All work shall be in accordance with plans by Maynard & Paquette Engineering Associates, LLC dated 4/28/06 and as received by the Department on April 28, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. This permit is contingent on approval by the DES Site Specific Program.

7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during low flow or dry conditions.
10. Proper headwalls shall be installed over the culvert ends within five (5) days of culvert installation
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is considered a Minimum Impact Project per NH Administrative Rule Wt 303.04(f), as impacts are less than 3,000 square feet.
2. The applicant is proposing to construct an older persons housing facility on lot 86 and on a portion of lot 88 based on the conceptual plan dated 11/4/02. No further wetland impacts will be necessary to access the remaining portion of lot 88 as a large main portion of the upland area has approximately 260 linear feet of frontage along Page Road.
3. The project, as approved and conditioned, has met the intent of Rule Wt 302.03 regarding the avoidance and minimization of wetland impacts.
4. The applicant has amended to plan to eliminate headwalls for roadway crossing at the request of the Town engineer. This request was made to facilitate movement of migratory amphibians.

**2005-00741                      RJ MOREAU COMPANIES**  
**CONCORD   Beaver Brook**

Requested Action:

Amendment: Temporarily impact approximately 1,125 sq. ft. (10 linear ft.) of wetlands and perennial stream for installation of a municipal waterline. The additional impacts are directly adjacent to the previous permitted wetlands impacts.

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Conservation Commission/Staff Comments:

The Conservation Commission did not comment.

APPROVE AMENDMENT:

Amendment: Temporarily impact approximately 1,125 sq. ft. (10 linear ft.) of wetlands and perennial stream for installation of a municipal waterline. The additional impacts are directly adjacent to the previous permitted wetlands impacts.

Dredge and fill approximately 733 square feet perennial stream and forested wetlands to install an approximately 2.6' x 5' x 8' bottomless box culvert extension and field stone headwalls for the widening of Fisherville Road.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants Inc., dated May 21, 2004, as received by the Department on April 16, 2005 and narrative submitted by Beaver Brook Environmental Consultants, LLC, dated July 25, 2006, as received by the Department on July 25, 2006 and plans revised by Beaver Brook Environmental Consultants, LLC, revision dated July 24, 2006, as received by the Department on August 1, 2006.
2. This permit is contingent on approval by the NHDOT.
3. This permit is contingent on approval by the City of Concord.
4. Work shall be done during low flow.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary

siltation/erosion/turbidity control measures to be implemented.

6. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
  7. There shall be no excavation or operation of construction equipment in flowing water.
  8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
  9. Proper headwalls shall be constructed within seven days of culvert installation.
  10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
  11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
  12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
  13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
- Faulty equipment shall be repaired prior to entering jurisdictional areas. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), projects located within the right-of-way of a public road.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is part of the offsite improvements required for the construction of a residential condominium community on Bog Road.
6. The amended impacts are a result of a request from the City of Concord to relocate an existing municipal water line from under the roadbed and stream culvert.

**2005-01625                      WROBLEWSKI, RONALD**  
**CHICHESTER   Unnamed Wetland**

Requested Action:

Fill 2561 square feet of palustrine forested wetland for the construction of a parking area.

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APPROVE PERMIT:

Fill 2561 square feet of palustrine forested wetland for the construction of a parking area.

With Conditions:

1. All work shall be in accordance with plans by Brown Engineering, dated May 27, 2006 and revised through September 6, 2006, as received by the Department on July 7, 2006 and Typical Reinforced Wall Section as received by the Department on July 7, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be conducted during low water conditions.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain

until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k).
2. The remaining upland on the site is currently being utilized as storage or consists of steep slopes leading to higher quality wetlands.
3. The applicant has demonstrated that the wetlands impact is to the benefit of public safety.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided an abridged function and value assessment and the proposed project will have no significant impact upon these functions.
6. The applicant will be providing a retaining wall to reduce the square feet of impact.
7. The applicant is utilizing 3 upland islands within the wetland.
8. The applicant is avoiding the more valuable resources at the rear of the lot.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02178                      KUPLIN, MARTHA**  
**BRIDGEWATER   Newfound Lake**

Requested Action:

Repair/Replace retaining wall in-kind along 51 linear ft of frontage.

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APPROVE PERMIT:

Repair/Replace retaining wall in-kind along 51 linear ft of frontage.

With Conditions:

1. All work shall be in accordance with plans by Martha Kuplin as received by the Department on July 24, 2006.
2. All replaced rock material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Work shall be performed during drawdown.
4. Existing 3 ft x 20 ft seasonal pier shall not change location, dimensions, or configuration.
5. All seasonal structures shall be removed from the lake 5 months during the non-boating season.
6. Repair shall maintain existing size, location and configuration. This means the existing contours of the shoreline shall be followed as to not allow further lakeward fill.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair, replacement of existing retaining walls performed "in the dry."
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00301                      RRR REALTY TRUST 2005**  
**GILFORD   Unnamed Wetland**

Requested Action:

Dredge and fill 284 square feet including installation of two 15-inch x 20 foot culverts for access to a proposed single family building location.

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APPROVE PERMIT:

Dredge and fill 284 square feet including installation of two 15-inch x 20 foot culverts for access to a proposed single family building location.

With Conditions:

1. All work shall be in accordance with plans by Thomas W Varney PE dated January 26, 2006, as received by the Department on February 16, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a letter of denial from the Department of Transportation to relocate the proposed driveway out of

jurisdiction.

6. The applicant has provided a letter of written agreement in accordance with Wt 304.04(a).

**2006-00536                      GRIFFIN, RUTH**  
**PORTSMOUTH   Tidal Buffer**

**Requested Action:**

Fill and grade 14,169 square feet of developed upland tidal buffer zone area to establish level contours for expansion of grave area in existing cemetery.

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Inspection Date: 05/04/2006 by Dori A Wiggin

**APPROVE PERMIT:**

Fill and grade 14,169 square feet of developed upland tidal buffer zone area to establish level contours for expansion of grave area in existing cemetery.

**With Conditions:**

1. All work shall be in accordance with revised plans by Ambit Engineering Inc. dated 6/16/2006, as received by the Department on 6/22/2006.
2. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The permittee shall submit a planting plan for the area adjacent to the project area to DES for review and approval to ensure that a well-distributed stand of vegetation is re-established in the Natural Woodland Buffer.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed uplands within 100 feet of the highest observable tide line that are not major or minor per Env-Wt 303.02 or Env-Wt 303.03, respectively that involve work within the developed tidal buffer zone within 50 feet of the salt marsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The proposal is to expand the existing historic 1871 cemetery into the remaining area of its layout to meet the burial needs of the community.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. All of the work is greater than 50 feet from the highest observable tide line, and will affect less than 50% of the vegetated buffer within the impact area.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project:
  - a. the state-listed threatened plant species, Marsh Elder, is located in a separate area of shoreline frontage, and at an island, neither of which locations are within a proximity of the project to be affected; nor is the nature of the project such that it would be expected to negatively impact the species;
  - b. the applicant has redesigned the project to eliminate work within 20' of the abutting property line or within 50' of the highest observable tide line;
  - c. the Portsmouth Conservation Commission recommends approval.

5. DES personnel inspected the site on 5/4/2006.
6. This project is consistent with the provisions of the Comprehensive Shoreland Protection Act. Removal of vegetation within the Natural Woodland Buffer is not proposed to exceed 50%; and the permit is conditioned to include the requirement for a planting plan to be submitted and approved by DES to ensure that a well-distributed stand is maintained.

**2006-00998                      ROUTE 11 RIDGE ROAD FARMINGTON LLC**  
**FARMINGTON   Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 2,011 sq. ft. of wetlands for access associated with development of a commercial lot, including 1,283 sq. ft. of impact for edge fill grading; and 728 sq. ft. of impact to install twin 30" x 40' culverts for parking lot wetlands crossing.

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**APPROVE PERMIT:**

Dredge and fill a total of 2,011 sq. ft. of wetlands for access associated with development of a commercial lot, including 1,283 sq. ft. of impact for edge fill grading; and 728 sq. ft. of impact to install twin 30" x 40' culverts for parking lot wetlands crossing.

**With Conditions:**

1. All work shall be in accordance with revised plans by Orvis/Drew LLC dated 7/20/2006, as received by the Department on 7/26/2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Work shall be done during low flow.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project is necessary to provide access to a buildable upland portion of the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau; the Farmington Conservation Commission also did not report.

**2006-01102                      SINCLAIR, DAVID & SUSAN**  
**FRANKLIN   Unnamed Stream**

**Requested Action:**

Confirm Emergency Authorization to replace failed culvert with the same length 24-inch culvert.

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**CONFIRM EMERGENCY AUTHORIZATION:**

Replace failed culvert with the same length 24-inch culvert.

**With Conditions:**

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The project was necessary to maintain access to an existing residence.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 15, 2006.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-01163                      ROBERT HERRIOTT**  
**DURHAM   Little Bay**

**Requested Action:**

Impact a total of 5,158 sq. ft. in the developed upland tidal buffer zone to reconstruct and expand by 287 sq. ft. an existing single family dwelling structure.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact a total of 5,158 sq. ft. in the developed upland tidal buffer zone to reconstruct and expand by 287 sq. ft. an existing single family dwelling structure.

**With Conditions:**

1. All work shall be in accordance with plans by NH Soil Consultants Inc. dated 3/20/2006, as received by the Department on 5/11/2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. There shall be no removal of trees of greater than 12" d.b.h. from the property in order to protect wintering bald eagle perches/roosts. Limbing of trees close to the house shall only be allowed following on-site review and approval by DES Wetlands personnel with the permittee and tree service, to determine the need and extent of such work. The permittee shall be responsible for contacting DES for an inspection and provide at least 48 hours notice.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed areas within 100 feet of the highest observable tide line unless they are minor or major.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. National Marine Fisheries Service has reviewed this application and finds that it will not impact essential fish habitat. Comments from NH Fish & Game Department regarding wintering eagles have

been incorporated into the conditions of this permit. The Durham Conservation Commission did not report.

5. This project meets the requirements of RSA 483-B, the Comprehensive Shoreland Protection Act. The existing structure is greater than 50' landward of the reference line, and the vegetative buffer will not be impacted by this project.

**2006-01214                      BALD, DONALD**  
**BERLIN   Unnamed Wetland**

Requested Action:

Dredge and fill 600 square feet of forested wetlands to construct a driveway for access to a single family residence.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 600 square feet of forested wetlands to construct a driveway for access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks, LLC, as received by the Department on June 12, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The entire southern road frontage of the property is bordered by an intermittent drainage and wetlands.
3. The Berlin City Manager submitted a letter of support for the proposed project.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-01265                      SIDMORE, PHIL & EVELYN**  
**DURHAM   Little Bay**

Requested Action:

Impact a total of 2,720 sq. ft. in the developed upland tidal buffer zone to replace existing (1,200 sq. ft.) dwelling with new dwelling in existing and expanded (600 sq. ft. landward) footprint, and addition of a 10' x 60' section to a 8' x 40' section (920 total sq. ft.) farmer's porch on two sides, respectively, of the dwelling located toward the highest observable tide line.

\*\*\*\*\*

#### APPROVE PERMIT:

Impact a total of 2,720 sq. ft. in the developed upland tidal buffer zone to replace existing (1,200 sq. ft.) dwelling with new dwelling in existing and expanded (600 sq. ft. landward) footprint, and addition of a 10' x 60' section to a 8' x 40' section (920 total sq. ft.) farmer's porch on two sides, respectively, of the dwelling located toward the highest observable tide line.

#### With Conditions:

1. All work shall be in accordance with plans by Phil and Evelyn Sidmore dated 5/18/2006, as received by the Department on 5/22/2006 (structure construction plans); and per planting plan by Phil and Evelyn Sidmore dated 7/24/2006, as received by the Department on 7/26/2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of the swimming pool shown on plan copies is out of the jurisdiction of the wetlands statute, RSA 482-A, however shall require coordination with DES with respect to determination as an accessory structure and its compliance with the requirements of RSA 483-B, the Comprehensive Shoreland Protection Act.

#### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in the previously developed upland areas within 100 feet of the highest observable tide line that are not major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03 respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project uses the existing footprint as the basis for construction; the dwelling expansion is away from the resource, with only a 10' wide porch extension toward the highest observable tide line.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
  - a. Relative to RSA 483-B, the Comprehensive Shoreland Protection Act ("CSPA"), the existing dwelling is greater than 50' from the reference line, and therefore conforms to the primary building setback. Reconstruction and expansion involves construction landward of the existing structure; and construction of a porch of less than 12' of width toward the reference line, both of which comply with the CSPA.
  - b. The applicant has submitted a planting plan which will enhance the vegetated buffer function of the shoreline.
  - c. The application has been reviewed by the US National Marine Fisheries Service, and found to represent no adverse impacts to essential fish habitat.
  - d. No species of concern relative to this project were reported by the NH Natural Heritage Inventory.

#### FORESTRY NOTIFICATION

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**2006-01905                      BOUTHILLIER, ALLEN**  
**BERLIN   Unnamed Stream**

#### COMPLETE NOTIFICATION:

Berlin tax Map 410, Lot# 6

**2006-01907                      TAYLOR, ARTHUR**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 110, Lot# 10

**2006-01908                      BLUE HILLS FOUNDATION, GEORGE LOVEJOY JR**  
**STRAFFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Strafford Tax Map 9, Lot# 21A

**2006-01922                      H & H INVESTMENTS LLC, DONALD HARDWICK**  
**DANBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Danbury Tax Map 401 / 403, Lot# 1 / 18,19 & 20

**2006-01924                      H & H INVESTMENTS LLC, DONALD HARDWICK**  
**GRAFTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Grafton Tax Map/Lot# 7/106, 8/923 & 929, 13/1235

**2006-01925                      NEW ENGLAND FORESTRY FOUNDATION**  
**NEW LONDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
New london tax Map 17 / 30, Lot# 3 / 31

**2006-01933                      VINTAGE LANDS LLC, STANLEY JACKSON**  
**DORCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dorchster Tax Map 16 , Lot# 916

**2006-01934                      FRASER, GRACE**  
**WENTWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wentworth Tax Map 12, Lot# 9, 11 & 14

**2006-01935                      H & H INVESTMENTS LLC, DONALD HARDWICK**  
**ALEXANDRIA   Unnamed Stream**

**COMPLETE NOTIFICATION:**

Alexandria Tax Map 410/16-1,16-2,18 & 21 416/4, 13 & 14

**2006-01936                      H & H INVESTMENTS LLC, DONALD HARDWICK**  
**ORANGE   Unnamed Stream**

**COMPLETE NOTIFICATION:**

Orange Tax Map 4, Lot# 18

**2006-01937                      JARVIS, BARBARA**  
**CLAREMONT   Unnamed Stream**

**COMPLETE NOTIFICATION:**

Claremont Tax Map 80, Lot# 6

**EXPEDITED MINIMUM**

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**2006-01521                      WORKPLACE SYSTEMS INC**  
**LONDONDERRY   Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 2,978 sq. ft. (98 sq. ft. temporary impacts) of wetlands to widen an existing access way, decommission a dug well and install a municipal sanitary sewer line at an existing commercial/manufacturing facility.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill approximately 2,978 sq. ft. (98 sq. ft. temporary impacts) of wetlands to widen an existing access way, decommission a dug well and install a municipal sanitary sewer line at an existing commercial/manufacturing facility.

**With Conditions:**

1. All work shall be in accordance with plans by The H.L. Turner Group Inc., sheet WT-1, dated June 6, 2006, sheet TEC1, dated April 14, 2006 and sheet TEC2, dated June 14, 2006, as received by the Department on June 20, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. The wetland restoration area shall have at least 75% successful establishment of wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to working adjacent to surface waters or wetlands. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission did not submit comments, however, they signed the Minimum Impact Expedited Application.

**2006-01673                      LONGO COMMERCIAL CENTER LLC**  
**BEDFORD   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 1,568 sq. ft. of palustrine emergent wetlands (roadside drainage and man made detention basin) to provide a "right-in/right-out" access way to a proposed 36,000 sq. ft. market "Hannaford Market" and new access to the adjacent "Pine Tree Place" residential/commercial facility.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 1,568 sq. ft. of palustrine emergent wetlands (roadside drainage and man made detention basin) to provide a "right-in/right-out" access way to a proposed 36,000 sq. ft. market "Hannaford Market" and new access to the adjacent "Pine Tree Place" residential/commercial facility.

With Conditions:

1. All work shall be in accordance with plans by TFMoran Inc., Wetland Impact Plans titled Pine Tree Place and Hannaford Market, dated May 12, 2006, as received by the Department on May 17, 2006 and June 30, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.

12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to working adjacent to wetlands or surface waters. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. The proposed wetlands impacts are for access through and existing man-made wetland/detention basin previously constructed for Pine Tree Place and an isolated wetland/drainage area along NH Route 101.
5. The project is contingent on approval by the DES Site Specific Program.
6. The approved impacts was submitted on seperate application, however, the Department combined the application into one file because the proposed impacts are a result of the access and safety needs for the proposed Hannaford Market.
7. The Bedford Conservation Commission signed the Minimum Impact Expedited applications and provided an approval letter for the access to Pine Tree Place.

**2006-01689                      GIRALD, JOHN & NANCY**  
**NEWBURY   Lake Sunapee**

Requested Action:

Repair an existing 12 ft by 19 permanent dock supported by an 8 ft by 16 ft crib on Lake Sunapee, Newbury.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 12 ft by 19 permanent dock supported by an 8 ft by 16 ft crib on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by Dick Butterfield dated June 26, 2006, as received by the Department on July 03, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
2. Repair shall maintain existing size, location and configuration.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and

when considered with the original application are not classified as minor or major.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-01749                      MCCLELLAND, GEORGE & JACQUELINE**  
**MOULTONBOROUGH   Unnamed Wetland**

Requested Action:

Repair and existing 15 ft of retaining wall and install 4 ft wide access steps to the waterbody and repair 20 linear feet of shoreline on Lake Winnepesaukee, Tuftonboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and existing 15 ft of retaining wall and install 4 ft wide access steps to the waterbody and repair 20 linear feet of shoreline on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental dated July 10, 2006, as received by the Department on July 13, 2006.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. The steps shall be located entirely landward of full lake elevation of 504.32.

5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**GOLD DREDGE**

\*\*\*\*\*

**2006-01923                      SARGENT, KEVIN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2006-01891                      TROTT, KEITH**  
**HUDSON   Newfound Lake**

**COMPLETE NOTIFICATION:**

Alexandria NH Tax Map# 201 Lot# 95/5 New Found Lake

**2006-01902                      DENTON, LAWRENCE**  
**BRISTOL   Pemigewassett**

**COMPLETE NOTIFICATION:**

Bristol NH Tax Map# 220 Lot# 013 Pemigewassett

**2006-01906                      LACEY, BRIAN & LEILA**  
**NEW DURHAM   Merrymeeting Lake**

**COMPLETE NOTIFICATION:**

New Durham NH Tax Map# 29 Lot# 149 Merrymeeting Lake

**SHORELAND VARIANCE / WAIV**

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**2006-01882                      REMP, TIM & CHERYL**  
**MILTON   Northeast Pond**

**Requested Action:**

The Department of Environmental Services (DES) Wetlands Bureau has completed its review of your request for a waiver of RSA 483-B (the "Statute") to allow the replacement of a 12 ft x 50 ft seasonal residence setback 48 ft from the reference line with a 25 ft x 34 ft residence setback 36 ft from the reference line of Northeast Pond pursuant to RSA 483-B:11, II. This project as proposed does not comply with the RSA 483-B and Administrative Rules, Env-Wq 1400 and therefore your request for a waiver has been denied.

\*\*\*\*\*

Inspection Date: 08/01/2006 by Jeffrey D Blecharczyk

**DENY CSPA WAIVER:**

The Department of Environmental Services (DES) Wetlands Bureau has completed its review of your request for a waiver of RSA 483-B (the "Statute") to allow the replacement of a 12 ft x 50 ft seasonal residence setback 48 ft from the reference line with a 25 ft x 34 ft residence setback 36 ft from the reference line of Northeast Pond pursuant to RSA 483-B:11, II. This project as proposed does not comply with the RSA 483-B and Administrative Rules, Env-Wq 1400 and therefore your request for a waiver has been denied.

**With Findings:**

Standards for Approval

1. In accordance with RSA 483-B:9, II(b), "Primary structures shall be set back behind the primary building line which is 50 feet from the reference line.
2. In accordance with RSA 483-B:11, I, "Between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line.
3. In accordance with RSA 483-B:11, II, "the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters.

#### Findings of Fact

4. On July 31, 2006, the Department of Environmental Services received a request for a waiver to replace an existing non-conforming structure within the primary building setback.
5. The replacement of the existing structure would reduce the setback of the primary structure from the reference line by 12 ft.

#### Ruling in Support of the Decision

6. The proposal to construct a new structure which would extend closer to the public water than the existing structure is prohibited in accordance with RSA 483-B:11, I.
7. The proposed project would reduce the setback of the primary structure from the reference line by 12 ft and would provide a lesser degree of protection to the public water as required per RSA 483-B:11, II, therefore the request for a waiver of the provisions of RSA 483-B:9 is denied.

#### ROADWAY MAINTENANCE NOTIF

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**2006-01884                      NH DEPT OF TRANSPORTATION**  
**CONCORD   Unnamed Stream**

**2006-01886                      NH DEPT OF TRANSPORTATION**  
**BOSCAWEN   Unnamed Stream**

**2006-01888                      NH DEPT OF TRANSPORTATION**  
**NORTHFIELD   Unnamed Stream**

**2006-01889                      NH DEPT OF TRANSPORTATION**  
**GREENFIELD   Unnamed Stream**

**2006-01890**                      **NH DEPT OF TRANSPORTATION**  
**CANTERBURY**   **Unnamed Stream**

**PERMIT BY NOTIFICATION**

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**2006-00704**                      **FERGUSON, C/O PHIL HAMILTON LLC**  
**NELSON**   **Granite Lake**

Requested Action:

Restore existing retaining wall.

\*\*\*\*\*

PBN DISQUALIFIED:

Restore existing retaining wall.

With Findings:

1. This PBN has been disqualified on the basis that plans and photos indicate that work shall be conducted in the water. In accordance with Administrative Rule 303.04 (c) work shall be performed in the dry.

Requested Action:

Repair/Replace existing retaining wall in-kind.

\*\*\*\*\*

PBN IS COMPLETE:

Repair/Replace existing retaining wall in-kind.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-00906**                      **MASON, MARK**  
**GILFORD**   **Lake Winnepesaukee**

Requested Action:

Repair/Replace existing nonconforming boathouse.

\*\*\*\*\*

PBN DISQUALIFIED:

Repair/Replace existing nonconforming boathouse.

With Findings:

1. Plans received June 28, 2006 did not show all dock support locations with their indicated spacing center to center as per More Information Requested Dated May 1, 2006.

Requested Action:

Repair/Replace existing boathouse supports "in-kind".

\*\*\*\*\*

PBN IS COMPLETE:

Repair/Replace existing boathouse supports "in-kind".

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-01767                      POWER, DENNIS**  
**BARTLETT   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 297 square feet of wetlands along approximately 30 linear feet of intermittent stream to install a 24-inch x 27-foot corrugated culvert for driveway access to a single family residence.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill approximately 297 square feet of wetlands along approximately 30 linear feet of intermittent stream to install a 24-inch x 27-foot corrugated culvert for driveway access to a single family residence.

**2006-01795                      HAYES, JEFFREY**  
**JACKSON   Unnamed Wetland**

Requested Action:

Dredge and fill 1,100 square feet of wetlands for installation of a curtain drain to extend existing driveway for access to a single family residence.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill 1,100 square feet of wetlands for installation of a curtain drain to extend existing driveway for access to a single family residence.

**2006-01814                      JOY, LESLIE & NANCY**  
**GROVETON   Unnamed Stream**

Requested Action:

Impact 20 linear feet of intermittent stream to replace an existing 24-inch x 40-foot culvert with a 24-inch x 60-foot culvert providing driveway access to a single family residence.

\*\*\*\*\*

PBN IS COMPLETE:

Replace existing 24-inch x 40-foot culvert with a 24-inch x 40-foot culvert along intermittent stream crossing providing driveway access for a single family residence.

**2006-01831                      ROYCE, KATHERINE**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair/Replace existing docking facilities in-kind.

\*\*\*\*\*

PBN IS COMPLETE:

Repair/Replace existing docking facilities in-kind.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-01869                      ASHLEY, ALAN**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Repair/Replace 4 fender pilings.

\*\*\*\*\*

PBN IS COMPLETE:

Repair/Replace 4 fender pilings.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-01877                      FOSCALDO, STEPHEN**  
**SUNAPEE   Lake Sunapee**

Requested Action:

Repair/replace an existing docking structure "in-kind".

\*\*\*\*\*

PBN IS COMPLETE:

Repair/replace an existing docking structure "in-kind".

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-01894                      BEDARD, BRIAN & JANET**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Install seasonal PWC lift.

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PBN IS COMPLETE:

Install seasonal PWC lift.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad) installation of a PWC lift.

**2006-01913                      LEONI, DOUGLAS**  
**JACKSON   Unnamed Stream Wetlands**

**Requested Action:**

In accordance with NH Administrative Rule Env-Wt 506.04(c), disqualify permit by notification to dredge and fill approximately 2,958 square feet of wetlands along approximately 35 linear feet of perennial stream and 145 linear feet of intermittent stream for driveway access to a single family residence, further described as follows:

1. Dredge and fill 796 square feet of wetlands along approximately 35 linear feet of perennial stream to install a 36-inch x 28-foot corrugated HDPE culvert; and
2. Dredge and fill 678 square feet of wetlands to install a 12-inch x 23-foot corrugated HDPE culvert; and
3. Dredge and fill 1,198 square feet of wetlands along approximately 110 linear feet of intermittent stream to install a 12-inch x 47-foot and a 12-inch x 40-foot corrugated HDPE culvert; and
4. Dredge and fill 286 square feet of wetlands along approximately 35 linear feet of intermittent stream to install a 12-inch x 24-foot corrugated HDPE culvert.

\*\*\*\*\*

**PBN DISQUALIFIED:**

In accordance with NH Administrative Rule Env-Wt 506.04(c), disqualify permit by notification to dredge and fill approximately 2,958 square feet of wetlands along approximately 35 linear feet of perennial stream and 145 linear feet of intermittent stream for driveway access to a single family residence, further described as follows:

1. Dredge and fill 796 square feet of wetlands along approximately 35 linear feet of perennial stream to install a 36-inch x 28-foot corrugated HDPE culvert; and
2. Dredge and fill 678 square feet of wetlands to install a 12-inch x 23-foot corrugated HDPE culvert; and
3. Dredge and fill 1,198 square feet of wetlands along approximately 110 linear feet of intermittent stream to install a 12-inch x 47-foot and a 12-inch x 40-foot corrugated HDPE culvert; and
4. Dredge and fill 286 square feet of wetlands along approximately 35 linear feet of intermittent stream to install a 12-inch x 24-foot corrugated HDPE culvert.

**With Findings:**

1. In accordance with NH Administrative Rule Env-Wt 506.04(c), a permit issued pursuant to the permit by notification procedure for projects classified under Env-Wt 303.04(z) involving stream impacts, shall only impact intermittent streams.